

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

E-NUMERATE SOLUTIONS, INC. and
E-NUMERATE, LLC,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

C.A. No. 19-859-RTH

DEFENDANT’S UNOPPOSED MOTION TO AMEND THE SCHEDULING ORDER

Defendant United States (“Defendant” or the “Government”) hereby moves this Court to amend the current Scheduling Order (D.I. 87) in this matter in light of the parties’ recent agreement to provide a Joint Claim Construction Statement that in addition to providing each side’s proposed constructions, and the identification of the party proposing the term for construction, also identifies the intrinsic and extrinsic support for that position.

WHEREFORE, the additional time will allow the parties time to identify the aforementioned intrinsic and extrinsic support for their proposed constructions;

WHEREFORE, counsel for Defendant is engaged in significant travel for the next several weeks;

WHEREFORE, Defendant respectfully move this Court to amend the Scheduling Order as follows, which the Plaintiffs do not oppose:

Event	Prior Deadline	New Deadline
The parties submit the joint claim construction statement and propose dates for the Markman hearing	22 July 2022	10 August 2022
If desired, parties may submit joint technical tutorial to the Court	10 August 2022	10 August 2022
Markman hearing	To be scheduled	To be scheduled
Deadline for the government to produce technical documents for additional agencies named in the second amended complaint	17 August 2022	17 August 2022

July 21, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

GARY L. HAUSKEN
Director

s/ Shahar Harel
SHAHAR HAREL
Trial Attorney
Commercial Litigation Branch
Civil Division
Department of Justice
Washington, DC 20530
Email: Shahar.Harel@USDOJ.gov
Telephone: (202) 305-3075
Facsimile: (202) 307-0345
COUNSEL FOR THE UNITED STATES OF AMERICA

Of Counsel:
SCOTT BOLDEN
NELSON KUAN
Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this sur-reply was sent by electronic mail this 21st day of

July 2022 to:

Sean T. O’Kelly
Gerard M. O'Rourke
O’KELLY & O’ROURKE, LLC
824 N. Market Street, Suite 1001A
Wilmington, DE 19801
302-778-4000
sokelly@okorlaw.com
gorourke@okorlaw.com.

Of Counsel:
SCOTT BOLDEN
NELSON KUAN
U.S. Department of Justice

s/ Shahar Harel
SHAHAR HAREL
Trial Attorney
Intellectual Property Section
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
Washington, DC 20530
Shahar.Harel@usdoj.gov
Tel: (202) 305-3075
Fax: (202) 307-0345

Attorney for the Defendant,
the United States of America.

Date: July 21, 2022